

United States District Court  
Southern District of Illinois

**FILED**

MAY 13 2009

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE

Michael Dunham  
Plaintiff,

vs.

Case no. 09-366-JPG

Sheriff Bob Hertz  
Capt. Gulash  
Sgt. Bob Richter  
Sgt. Maynard Hill  
Jail Guard Michael Hare

True Trial Demanded

( All Defendants herein named are sued in their official and individual capacities. All Defendants herein named are or were employed by the Madison County Jail on or during the alleged violations herein. )

Defendants.

Complaint

Now comes the Plaintiff, Michael Dunham, pro se, Pursuant to 42 U.S.C. § 1983, and states as follows:

Exhaustion of Administrative Remedies

The Plaintiff, was a detainee at the Madison County Jail

In Edwardsville Illinois during all of the alleged Constitutional violations herein. There is no administrative procedure or official way to bring issues in the Madison County Jail.

The Plaintiff did in fact write to several authority figures in supervisor positions concerning the allegations herein. (see exhibits #1, 2, and 3.)  
and Plaintiff did verbally notify Defendants Richter, Hill, Aulash and a few other "John Does", the Plaintiff cannot immediately identify.

### Litigation History

The Plaintiff has filed approximately three (3) other complaints. The Plaintiff does not have access to the case numbers.

The following are the titles to Plaintiff's complaints:

- 1.) Dunham v. (?), (2001). Went to trial 2005.
- 2.) Dunham v. Moore (or Garrett) (2001) dropped by Plaintiff
- 3.) Dunham v. Baker (2004) dropped by Plaintiff

All of the above titled cases were filed in the Central District. Each of the above cases alleged 8th Amendment violations.

### Statement of Claim

The Plaintiff was a Detainee at the Madison County Jail in Edwardsville Illinois during all events herein:

1.)

Starting approximately in July-August of 2007, when the Plaintiff was called to an Attorney visit, that turned out to be 2 (two) Detectives wanting information on a separate crime.

2.) Plaintiff was escorted back to his cellblock by an unidentified Jail Guard - when Defendant Here fell into step and began to verbally abuse the Plaintiff

3.) Plaintiff was let into his cellblock, and as this occurred, Defendant Here, announced in a loud voice to the entire cellblock that the Plaintiff was a "snitch".

4.) This placed the Plaintiff's life in danger.

5.) The Plaintiff from this point forward was placed in four different cell blocks, because each time he was moved to a cellblock, Defendant Here would do a security walk & tell the cellblock the Plaintiff was a snitch.

6.) when Plaintiff attempted to defend Himself against Defendant Here's allegations, the other Detainees would side with Defendant Here, claiming Def. Here would have knowledge of who the "snitches" were.

7.) Defendant Here employed another Detainee to violently assault the Plaintiff.

8.) The Plaintiff was Repeatedly Assaulted by the Same Detainee.

9.) When Plaintiff was moved to A-South, Defendant Hare came through and stopped in front of Plaintiff's cell (A-south 7 Bottom) and hollered out "Do you know there's a snitch on 7 Bottom named Dunham!" - The whole cellblock was then alerted to Defendant Hare's continuous harassment.

10.) - The word throughout the Jail was that Plaintiff was an "undercover cop".

11.) On October, 20th 2007, A sheet was thrown over the Plaintiff's head and he was beaten unconscious.

12.) Defendant Hare came through the Plaintiff's cellblock and essentially took Responsibility for the October 20th 2007 Incident.

13.) Plaintiff attempted to obtain Medical treatment for the Numerous injuries He had. and was denied.

14.) On October 23, 2007 Defendant Hare would holler out each time he did a 30 minute walk "Dunham got whooped cause he's a snitch."



15.) Due to the vulnerability of Plaintiff's situation, He had only one option, which was to notify Defendant Gulash the overseer of the Jail and to his Boss Defendant Hertz. (see exhibits 1, 2, and 3)

16.) Defendant Richter was given one letter to pass on to defendant Gulash and defendant Richter crumpled it up in his fist & told Plaintiff to "Quit Whining like a Bitch".

17.) on October 23, 2007, Defendant Hertz announced to the Plaintiff's cellblock that He would give whoever whooped Plaintiff "again", extra Doughnuts.

18.) at this point Plaintiff fears for his life.

19.) on October 23, 2007, the Plaintiff sent Lt. Bost a letter explaining everything that had been going on. Lt. Bost told Plaintiff He could only do what his Captain (Defendant Gulash) told him he could do, which was to leave Plaintiff where He was.

20.) on October 24, 2007, the Plaintiff sent Defendant Gulash another letter asking for help & protection.

21.) Due to the October 20, 2007 Beating, the plaintiffs whole face was swollen. His ribs were already injured from the very first attack. His lips were purple & swollen

(Cont...)

He could hardly eat his food due to a throat injury which occurred during the very 1st Attack. His head ached constantly; He experienced double vision and lightheadedness. and the Plaintiff lived in fear and paranoia.

22.) Defendant Hare had put the Plaintiff's life in danger throughout the entire Jail.

23.) On October 26, 2007 Defendant Hare observed the Plaintiff sitting on his bunk with his back and head against the wall, Defendant Hare then took his keys, which are approximately 6 inches in length & 2 inches wide & banged them repeatedly against the area of wall Plaintiff's back & head were.

24.) In essence this act by the Defendant was an aggravated assault on the Plaintiff.

25.) On October 27, 2007, Defendant Hare passed out napkins on the cell bars for the breakfast Doughnuts to be sat on. When Defendant Hare got to Plaintiff's cell, he blew his nose into the Plaintiff's napkin and then spit into it before placing it on the Plaintiff's cell bars.

26.) On approximately, October 31, 2007, Defendant Hare ~~passed~~ passed out lunch trays. There was a line of people

(Cont...)

and when Plaintiff got to the head of the line, Defendant here stopped taking trays from where he had been and Reached down to the bottom of the Rack and said to the Plaintiff as he did so;

"I eat one especially for you"

The Plaintiff found Dirt and Hair mixed in with his food.

27.) The Plaintiff attempted to seek safety from the other detainees & from Defendant here by going to the "lockdown Block", where all Detainees are locked in their cells 24-7, with no contact with other inmates

The lockdown Block is used for Protective Custody and for disciplinary Reasons.

28.) the Plaintiff was on the lockdown Block, when the detainees housed in the cells around him discovered he was the "Snitch" & began conspiring to throw urine & feces onto the Plaintiff, through the bars.

29.) the Plaintiff again wrote to Defendant Gulosh explaining again about the threats and harassment of Defendant here, and about the detainees intentions on the lockdown Block.

30.) Defendant still came onto the Block and Read the Plaintiffs letter (Paragraph #29) out

(Cont...)

loud on the gallery for all detainees to hear. Then Defendant Hill told the Plaintiff to pack up he was moving. Defendant Hill then left.

31.) once Defendant Hill had gone, the other Detainees began throwing urine & feces into the Plaintiff's cell, hitting the Plaintiff in his face, mouth & body.

32.) Due to the repeated assaults and continuous harassment and lack of protection by the Jail administrators, the Plaintiff's only option was to take a 12 Year Plea agreement in order to get out of the county Jail.

33.) The Plaintiff could possibly have gotten less time if he had not been pressured by violence, threats & the overall conditions of his confinement.

34.) On December 17, 2007, Defendant Hill came to the Plaintiff's cell screaming "where's my fuckin' Napkin!" Because the Plaintiff's cellmate put toilet tissue on the bars where Defendant Hill was going to place the breakfast doughnuts.



35.) Defendant Hare screamed over & over "where's my fucken Doughnuts!" and then threw the Doughnuts back at the cart and stormed off the cell block.

36.) Defendant Hare then causes ~~the~~ the Plaintiff's Cell Door to open by a crank at the head of the cell block.

37.) Defendant Hare Rushes down the Gallery in a fury. Defendant Hare is Obese (at least 300 pounds) and is at least 6 feet tall.

38.) Plaintiff was standing outside his cell watching Defendant Hare in fear and awe.

39.) Defendant Hare without warning Rammed into the Plaintiff, causing the Plaintiff's Body to be slammed into the bars directly behind him.

40.) the Plaintiff's Back & Head Hit the bars with extreme force. The Plaintiff fell to the floor in pain.

41.) Plaintiff's cellmate helped him up & slightly blocked Defendant Hare from being able to attack the Plaintiff again.

42.) Defendant Haze instead entered the Plaintiff's cell and began throwing the Plaintiff and his cellies property all over their cell as he screamed "where's my fucken nokin over and over."

43.) The Plaintiff wrote to Defendant Gulash telling him (see exhibit #2.)

44.) The <sup>Plaintiff</sup> ~~Defendant~~ wrote by mail to Defendant Hertz (see exhibit #1)

45.) The Plaintiff was again Refused Medical Treatment

46.) The Plaintiff was transferred to the Illinois Department of Corrections on December 19, 2007.

47.)  
The Plaintiff still suffers due to Defendant Haze's antithetical allegations that Plaintiff is a snitch.

48.) Plaintiff went to the yard once while in Pontiac Correctional Center and on this occasion, the Plaintiff was accused by the other inmates as "the Guy in the County telling"

49.) The inmates threw urine and feces onto the Plaintiff. The Plaintiff was on a Yard Pod. His cage was surrounded by other one man Yard Pods.

50.) Due to the Rumors caused and propagated by Defendant Horos, and Due to the Refusal of the other Defendants to protect the Plaintiff, he has been physically assaulted Repeatedly and injured several times, ~~derogated~~ and is likely to face further abuse, Humiliation and live in a constant state of fear and Paranoia while in the Dept. of corrections.

51.) The Plaintiff suffers from ~~even~~ injury, He suffers from having urine and feces thrown onto him, He suffers from Mental anguish and fear due to Defendant Horos Malicious Rumors.

## Relief Requested

For the above reasons, the Plaintiff asks this honorable court for the following Relief:

### 1.) Compensatory Damages (and nominal)

The Plaintiff suffered physical pain and injury, Psychological Damage including Personal Humiliation and mental anguish by the Deliberate Indifference to Plaintiff's Rights by each Defendant, and suffers ongoing pain in his Neck & Back from Defendant's physical assault, and Plaintiff asks for compensatory Damages in the amount of one million Dollars jointly & severally.

### 2.) Punitive Damages (and nominal)

The Defendants acted maliciously in conspiring to endanger the Plaintiff's life. The Defendants found pleasure and excitement when Plaintiff was repeatedly injured due to Defendants' persistent mistreatment. The Defendants refused the Plaintiff medical treatment & were deliberately indifferent to Plaintiff's personal safety.

The Plaintiff Requests Punitive Damages in the amount of one million Dollars jointly & severally.



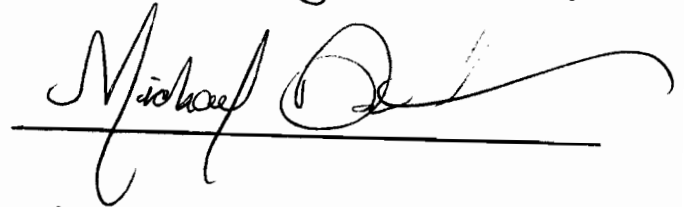
3.) Attorney fees

The Plaintiff further Requests that if appointed an attorney by the court, that said attorney be paid the current hourly wages.

4.) Pro se legal fees and debt

The Plaintiff further Requests that his Debt & fees for postage and copies Related to legal matters Be paid in full.

Respectfully submitted,



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